

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed 03/19/2007. Reconsideration and allowance of the application and presently pending claims, as amended, are respectfully requested.

1. Present Status of Patent Application

Upon entry of the amendments in this response, claims 9, 11, 13-15, and 18 - 22 remain pending in the present application. More specifically, claims 9, 14, 18, 19, 21, and 22 are directly amended; claims 1, 2, 6-8, and 16 are cancelled without prejudice, waiver, or disclaimer; and claims 3-5, 10, 12, and 17 are withdrawn. These amendments are specifically described hereinafter. It is believed that the foregoing amendments add no new matter to the present application.

2. Examiner Interview

Applicant first wishes to express his sincere appreciation for the time that Examiner Tan Le spent with Applicant's Representative during a telephone discussion on 06/05/2007 regarding the outstanding Office Action. Applicant believes that certain important issues were identified during the telephone discussion, and it is Applicant's understanding that the amendments herein resolve those issues and conform to the Examiner's recommendations. Thus, Applicant respectfully requests that Examiner carefully consider this response and the amendments.

3. Miscellaneous Issues

Additional to those issues raised in the Office Action and discussed in the telephonic interview, Applicant has noticed two typographical errors in the application, which are addressed by the foregoing amendments to the Specification and to claim 19. No new matter has been added by these amendments.

4. Response To Claim Rejections Under 35 U.S.C. Section 112, Second Paragraph

In the Office Action, Claims 14 and 18 are rejected under 35 USC 112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention. The Examiner states that the phrase “when said apparatus holds said structure” is confusing and unclear.

Claim 14 has been amended to more accurately conform to the language of amended claim 9, from which claim 14 depends, specifically, it is now stated that “said holding portion rests on said horizontal planar surface” (of said structure). With this amendment, together with the related amendment to claim 9 discussed below, it is believed that this rejection is overcome and should be removed.

Claim 18 has been amended to more accurately conform to the language of amended claim 21, from which claim 18 depends, specifically, it is now stated that “said holding portion rests on said horizontal planar surface” (of said structure). With this amendment, together with the related amendment to claim 21 discussed below, it is believed that this rejection is overcome and should be removed.

In the Office Action, the Examiner states that the language of the phrases “wherein the hook does not contact said structure” of claim 14 and “wherein said means for hanging does not contact said structure” of claim 18 are not “consistent with the intent” (of the invention). In the telephone discussion, the Examiner explained that these phrases form “unacceptable negative limitations”, and that they should be re-phrased to positively explain what the invention “does” rather than what it “doesn’t do”. Applicant believes that the amendment of these phrases to now state that the hook of claim 14 and the hanging means of claim 18 are “shaped to avoid contact with said structure” provides the positive language suggested by the Examiner and that this rejection should now be removed.

5. Response To Claim Rejections Under 35 U.S.C. Section 102

In the Office Action, claims 9, 13, and 20 are rejected under 35 USC 102 as being anticipated by USP 2743023 to Larson. The Examiner states that Larsen teaches, among other things, “a frictional element positioned on said holding portion to be in contact with

said structure whereby said frictional element reduces mobility of said holding portion along said structure”.

In the telephone discussion, the examiner stated that “other frictional elements, such as screws, adhesive, or even welding are well known and equivalents to the frictional elements of the invention”. The examiner further stated that the screws of Larson’s figures 7-9 are “frictional elements” within the normal definition of such a term.

While the Applicant strongly disagrees with this interpretation of the phrase “frictional element”, it is believed that this issue is mooted for independent claim 9 by the amendment thereto wherein the frictional element is now required to be “**affixed to said underside portion** and positioned to be in contact **only** with said horizontal planar surface”, thereby distinguishing over even such a broad interpretation of “frictional element” as when considered to encompass the screws of Larsen. It is therefore believed that this rejection should now be removed for amended claim 9.

If independent claim 9 is allowable over the prior art of record, then its dependent claims 13 and 20 are allowable as a matter of law, because these dependent claims contain all features/elements/steps of their independent claim 9. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Additionally and notwithstanding the foregoing reasons for the allowability of claims 13 and 20, these dependent claims recite further features/steps and/or combinations of features/steps (as is apparent by examination of the claims themselves) that are patentably distinct from the prior art of record. It is therefore believed that this rejection should now be removed for claims 13 and 20.

In the Office Action, claim 21 is rejected under 35 USC 102 as being anticipated by USP 2743023 to Larson. It is believed that this rejection is overcome by the amendment to claim 21 wherein the means for gripping is now required to be “holding **only to said horizontal planar surface**”, and that this rejection should now be removed for amended claim 21.

6. Response To Claim Rejections Under 35 U.S.C. Section 103

In the Office Action, Claims 11, 15, and 19 are rejected under 35 USC 103(a) as being unpatentable over Larson in view of USP 685452 to Hamerski.

Because independent claim 9 as amended is now believed allowable over the prior art of record for the reasons stated above, its dependent claims 11 and 15 are allowable as a matter of law, for at least the reason that these dependent claims contain all features/elements/steps of their independent claim 9. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988), and this rejection of claims 11 and 15 is thereby mooted. Additionally and notwithstanding the foregoing allowability of these dependent claims, claims 11 and 15 recite further features and/or combinations of features, as is apparent by examination of the claims themselves, that are patentably distinct from the prior art of record. This rejection should therefore be withdrawn for claims 11 and 15.

Because independent claim 21 as amended is now believed allowable over the prior art of record, its dependent claim 19 is allowable as a matter of law, for at least the reason that this dependent claim contains all features/elements/steps of its independent claim 21. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988), and this rejection of claim 19 is thereby mooted. Additionally and notwithstanding the foregoing allowability of this dependent claim, claim 19 recites further features and/or combinations of features, as is apparent by examination of the claim itself, that are patentably distinct from the prior art of record. This rejection should therefore be withdrawn for claim 19.

7. Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 9, 11, 13-15, and 18 - 22 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (603) 627-8134.

Respectfully submitted,

/Peter A. Nieves/

Peter A. Nieves

SHEEHAN PHINNEY BASS + GREEN, PA
1000 Elm Street
P.O. Box 3701
Manchester, NH 03105-3701
(603) 627-8134

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 501304.